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STEVENSON W. NAGLE, one of the plaintiffs, produced on behalf of the plaintiffs, being first duly sworn according to law, testified as follows:

BY MR. OFFUTT:

- Q. 1 State your full name, age, residence and occupation.
A. Stevenson William Nagle; seventy-nine years old; Forest Hill, Harford County, Maryland; retired.
- Q. 2 Mr. Nagle, who was Emanuel R. Nagle?
A. He was my brother.
- Q. 3 Where did he reside?
A. For the last several years here near New Market, in Frederick County, Maryland, I think since 1928.
- Q. 4 When did he die?
A. He died the 3rd day of February, 1959.
- Q. 5 At the time of his death, what property did he own in Frederick County?
A. Just the house and lot as I know of, an acre of ground I think he said was in that lot.
- Q. 6 That was located near New Market, Frederick County, Maryland?
A. Yes.
- Q. 7 Did he or not obtain that property from Anna L. Dinterman by a deed dated December 13, 1939, and recorded in Liber 421, folio 451, one of the Land Records of Frederick County?
A. Yes.
- Q. 8 Who was Mary E. Nagle, and when did she die?
A. She was the wife of my brother, Emanuel R. Nagle, and she died the 21st day of January, 1959.
- Q. 9 At the time Emanuel R. Nagle died, who were his surviving heirs at law and next of kin, naming first your living brothers and sisters?
A. My oldest sister was Esther B. Gross; then I followed her; and then Oleita Arthur; that is all that are living.
- Q. 10 Will you please give the names of the deceased brothers and sisters and then their children that are living?
A. My oldest brother was William Nagle, and he has a son, Gerald Nagle, whose wife is Dorothy G. Nagle, living at Belair, Maryland.
The next one if my brother, Colbert; he didn't have any children. Then my brother that just died, Emanuel, he was the next one.
Then my sister, Louise Livezey, and she died in 1930 leaving surviving her Kenneth Livezey who married Isabel Livezey, and G. Kessler Livezey who married Verna P. Livezey, and they all reside at Aberdeen, Maryland.
Then I had a brother, Linn K. Nagle that died and